

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI; STATE OF
ALABAMA; STATE OF ARKANSAS;
COMMONWEALTH OF
KENTUCKY; STATE OF
LOUISIANA; STATE OF MISSOURI;
and STATE OF MONTANA,

Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Secretary of Health and
Human Services; THE UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
CHIQUITA BROOKS-LASURE, in her
official capacity as Administrator of the
Centers for Medicare and Medicaid
Services; THE CENTERS FOR
MEDICARE AND MEDICAID
SERVICES; THE UNITED STATES
OF AMERICA,

Defendants.

Case No. 1:22-cv-113-HSO-RPM

**CONSENT MOTION FOR EXTENSION OF TIME TO
FILE A REBUTTAL AND RESPONSE REGARDING PLAINTIFFS' AND
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

On July 28, 2023, Defendants filed their response in opposition to Plaintiffs' motion for summary judgment. Dkt. 92. Defendants also filed a cross-motion for summary judgment the same day. Dkt. 90, 91. Plaintiffs have "seven days" to "file a rebuttal" to Defendants' opposition, which is therefore currently due on August 4. Local Rule 7(b)(4). Plaintiffs have "fourteen days" to "file a response" to Defendants'

cross-motion for summary judgment, which is therefore currently due on August 11. *Id.* For good cause, Plaintiffs respectfully ask that the deadline for both the rebuttal and the response to be extended to September 5, 2023.

Consistent with this Court's scheduling order, Dkt. 73, Plaintiffs timely filed a motion for summary judgment on June 9, 2023. Dkt. 78, 79. On June 21, Defendants moved for an extension of time to file their response, from June 23 to July 26, and this Court granted that motion. Dkt. 80. Last week, Defendants moved for another extension of time to file their response, from July 26 to July 28, and this Court granted that motion. Dkt. 89. Defendants then filed their response and cross-motion on July 28. Dkt. 90, 91, 92.

Plaintiffs have good cause for an extension of time to file a rebuttal to the response and a response to the cross-motion because their private counsel have several preexisting, competing obligations throughout August that require preparation, including:

- teaching responsibilities on August 2;
- briefing deadline on August 4;
- preliminary-injunction briefing deadline on August 11;
- briefing deadline on August 18; and
- briefing deadline on August 21.

Plaintiffs conferred with Defendants, who consent to this extension.

For all these reasons, Plaintiffs respectfully ask the Court to move Plaintiffs' deadline to file both the rebuttal and response to September 5, 2023.

Dated: July 31, 2023

Respectfully submitted,

s/ Scott G. Stewart

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*pro hac vice

**pro hac vice pending

***pro hac vice forthcoming

CERTIFICATE OF SERVICE

I e-filed this opposition with the Court, which will email everyone requiring service.

Dated: July 31, 2023

s/ Cameron T. Norris